

NIQA NIQA

CIVIL COVER SHEET

20-288

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DEFENDANTS

20

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(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Maria M. Carrillo

U.S. Attorney's Office, 615 Chestnut St., Ste

PL. 1. PA 19106

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

- | | |
|---|--|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 871 IRS—Third Party	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	26 USC 7609	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|---|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. Section 951 (e)(1)(C)Brief description of cause:
Proceeds of wire fraud

VI. CAUSE OF ACTION

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VII. REQUESTED IN COMPLAINT:

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

JAN 16 2020

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

JAN 16 2020

DATE 1/16/2020 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY *(Signature)* for Maria M. Carrillo

RECEIPT # AMOUNT APPLYING IFFP JUDGE MAG. JUDGE

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 615 Chestnut St., Ste 1250, Philadelphia, PA 19106-4476Address of Defendant: NIAPlace of Accident, Incident or Transaction: Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 1/16/2020

Must sign here

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): A нетfur feature (Wire Print Projects)

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Maria M. Carroll, counsel of record or pro se plaintiff, do hereby certify: Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs: Relief other than monetary damages is sought.DATE: 1/16/2020

R. Maria M. Carroll
 Sign here if applicable

Attorney-at-Law / Pro Se Plaintiff

JAN 16 2020

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

United States of America :

CIVIL ACTION

v.

30,201.60 in British Pounds
--> Pence

20
NO.

288

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

1/16/2020

Date

DDB

Attorney-at-law

for Maria M. Carroll

USA - DJS

Attorney for

(215) 861-8200

Telephone

FAX Number

Maria.M.Carroll.Qwdj.gov

E-Mail Address



IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

: CIVIL ACTION

Plaintiff,

20 288

v.

: No. 19-CV-

£36,201.60 in British Pounds and Pence

: JURY TRIAL DEMANDED

Defendant.

:

:

COMPLAINT FOR FORFEITURE IN REM

The plaintiff, United States of America, by its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and Maria M. Carrillo, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil action in rem to forfeit and condemn to the use and benefit of the United States of America approximately £36,201.60 in British Pounds (A Defendant Currency@), currently frozen in an Unclaimed Balances Account at HSBC Bank, PLC in Great Britain, pursuant to 18 U.S.C. § 981(a)(1)(C), which provides for the forfeiture of any property, real or personal, which constitutes or is derived from proceeds traceable to an offense constituting a “specified unlawful activity,” or a conspiracy to commit such offense. Specified unlawful activity is defined, at 18 U.S.C. §§ 1956(c)(7) and 1961, to include wire fraud, in violation of 18 U.S.C. § 1343.

Arrest Warrant signed + given to Counsel
on 1/16/2020

JURISDICTION AND VENUE

2. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Currency. This Court has jurisdiction over an action commenced by the United States of America under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

3. This Court has *in rem* jurisdiction over the Defendant Currency under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

4. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b) (1) and (2) and 28 U.S.C. § 1395(a) because a civil proceeding for the forfeiture of property may be prosecuted in any district where the acts giving rise to forfeiture occurred and/or because the property is located in a foreign country and is subject to forfeiture under the laws of the United States and pursuant to 28 U.S.C. § 1355(b)(1) the forfeiture action may be filed in this district.

THE DEFENDANT IN REM

5. The Defendant Currency is approximately Thirty-Six Thousand, Two Hundred and One British Pounds and Sixty Pence (£36,200.60), located in an Unclaimed Balances Account at HSBC Bank, PLC in Great Britain (“HSBC GB”), and previously located in HSBC GB account number ****1128 (redacted with asterisks), in the name of Tomas Services (the “Subject Account”). The Defendant Currency was frozen by HSBC GB.

BASIS FOR FORFEITURE

6. The Defendant Currency is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) because the funds constitute or are derived from proceeds traceable to wire fraud,

in violation of 18 U.S.C. § 1343, which is a “specified unlawful activity” within the meaning of 18 U.S.C. §§ 1956(c)(7) and 1961(1).

FACTS

7. Federal Bureau of Investigation (FBI@) agents identified and located the Defendant Currency currently frozen in an Unclaimed Balances Account at HSBC GB.

8. In early November of 2017, a resident of Boyertown, Pennsylvania (“PA”), with the initials N.C., searched the internet while in the Eastern District of Pennsylvania (“EDPA”) with the plan to purchase a helicopter. N.C. found an aviation advertisement online offering the sale of a Robinson R44 II Helicopter that was located in England. The advertisement identified the seller as M.R.L., and provided M.R.L.’s contact information as telephone number 011442*****0461 and email address of L***m*****r*****345@gmail.com (both redacted with asterisks).

9. N.C. contacted the person who N.C. believed to be M.R.L. through the above email address, and expressed interest in purchasing the helicopter. The person N.C. contacted and believed to be M.R.L. is an unknown subject or subjects (“UNSUB”).

10. On November 1, 2017, N.C. received a return email from UNSUB, whom N.C. believed to be M.R.L., stating that UNSUB would accept \$145,000 U.S. dollars for the helicopter. The email included shipping information, the cost of shipping, and the shipping details. N.C. exchanged numerous emails with UNSUB, and received photographs of the helicopter that N.C. believed he was purchasing.

11. In an email dated November 9, 2017, UNSUB stated that the helicopter was privately used by UNSUB, there was no damage or accident history, and the logbook was up to date. UNSUB advised it would take approximately 14 days to ship the helicopter depending on

the destination port.

12. N.C. agreed to a purchase price of \$150,000 U.S. dollars (“USD”) for the helicopter, which included shipping. On November 17, 2017, UNSUB sent N.C. a signed purchase agreement and advised that N.C. had to provide a down payment of \$50,000 USD. UNSUB provided the account information for the Subject Account where the \$50,000 USD down payment should be made.

13. HSBC GB is a bank located in Great Britain. The Subject Account was opened at HSBC GB, 126 High Road, Ilford, England IGI IDA GB, 501 Shipwreck Abbey Road, Barking, Great Britain. Because it is a British bank account, any foreign currency funds deposited into the Subject Account were exchanged into British pounds.

14. The purchase agreement order sent by UNSUB to N.C. stated that after the down payment of \$50,000 USD was received, delivery of the helicopter would be made within 21 days. A second payment of \$100,000 USD was due upon delivery of the helicopter to N.C. The bill of sale was to be provided to N.C. following receipt of the final payment.

15. N.C. reviewed the contract, signed it, and emailed it back to UNSUB on November 20, 2017. N.C. received an email from UNSUB on November 24, 2017, with a photograph of the purported passport of M.R.L. The photograph appeared to be of a Great Britain passport with passport #****20404, in the name of M.R.L. with a photograph of an older white male purported to be M.R.L. The passport had an expiration date of December 5, 2018. UNSUB requested a copy of N.C.’s passport, however, N.C. did not send a copy of his passport.

16. The passport number identified above corresponds to an El Salvadoran passport in the name of a person with initials H.O.H.G, and not to that of M.R.L.

17. On November 30, 2017, N.C., whose bank accounts are with Bank of America,

went to a Bank of America branch, located in the EDPA, and sent a wire of \$50,000 USD from his bank account to the Subject Account.

18. Shortly after wiring the money, N.C. became concerned that he had been defrauded. In an email on December 17, 2017, N.C. requested the return of the deposit money and provided UNSUB with his banking information.

19. In an email on December 18, 2017, UNSUB stated that a colleague of his would transfer the \$50,000 USD to N.C.'s account and would forward the receipt to N.C. as soon as it was processed.

20. On December 19, 2017, UNSUB emailed N.C. and stated that the wire would occur before Friday, December 22, 2017, and that the UNSUB was waiting for UNSUB's account to be funded from another transaction.

21. UNSUB emailed N.C. on December 22, 2017, and told N.C. that the refund would be there soon, no later than the end of the following week.

22. To date, UNSUB has not returned the \$50,000 USD to N.C.

23. UNSUB further has not delivered the helicopter to N.C.

24. On December 13, 2017, concerned that he was defrauded, N.C. went to Bank of America and asked Bank of America to contact HSBC GB and request a return of the funds. N.C. did not tell UNSUB that he had done this, as he did not want UNSUB to remove the funds from the Subject Account.

25. The funds in the Subject Account were frozen on December 14, 2017, by HSBC GB following an internal investigation prompted by the report of fraud by Bank of America. At the time that the funds were frozen by HSBC GB, the Subject Account contained £36,201.60 British pounds.

26. A search of public source records found no company with the name Tomas Services in Great Britain.

27. Since the time of the freezing of the funds in the Subject Account, the purported account holder has made no efforts to challenge the freezing or communicate with HSBC GB in any way about the account and the funds in it. The account holder appears to have abandoned the account and funds.

28. The exchange rate for U.S. dollars to British pounds was approximately .7392 on November 30, 2017. Between November 30, 2017, the date of N.C.'s wire, and December 14, 2017, the date of the freezing, the exchange rate for U.S. dollars to British pounds fluctuated between .739 and .744. Using the average of these exchange rates, £36,201.60 British pounds is approximately slightly less than the \$50,000 USD wired to the Subject Account on November 30, 2017.

29. Accordingly, there is reason to believe that the £36,201.60 British pounds that were frozen in the Subject Account is the remainder of the \$50,000 USD, after conversion to British Pounds, that N.C. wired to the UNSUB to purchase the helicopter.

30. Sometime after the freezing, the Defendant Currency was transferred from the Subject Account to an Unclaimed Balances Account at HSBC GB.

CLAIM FOR FORFEITURE

31. By reasons of the foregoing, there is reason to believe that the Defendant Currency constitutes or is derived from proceeds traceable to, or proceeds obtained, directly or indirectly, as a result of wire fraud, and is therefore subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C).

WHEREFORE, the plaintiff, United States of America, requests:

1. The Defendant Currency be proceeded against according to the law and the rules of this Court, and that due notice be given to all the interested parties to appear and show cause why forfeiture should not be decreed.

2. The Court, for the reasons set forth herein, adjudge and decree that the Defendant Currency be forfeited to the United States of America and disposed of in accordance with existing laws, together with costs, and for such other relief as this Court deems proper and just.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney



SARAH L. CRIEB
Assistant United States Attorney
Chief, Asset Recovery & Financial Litigation Unit


MARIA M. CARRILLO
Assistant United States Attorney

Date: January 15, 2020.

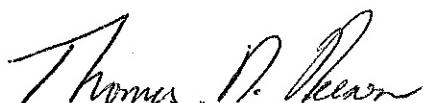
V E R I F I C A T I O N

I, Thomas D. Neeson, being of legal age, verifies and, pursuant to Title 28, United States Code, Section 1746(2), declares and states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation, Philadelphia Division, and I am assigned to the investigation in this case.
2. I have reviewed the foregoing Complaint for Forfeiture *in Rem* and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge.
3. The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9th, 2020.



Thomas D. Neeson
Special Agent
Federal Bureau of Investigation